

**State of California  
Office of Administrative Law**

**In re:**  
**State Water Resources Control Board**

**Regulatory Action:**

**Title 23, California Code of Regulations**

**Adopt sections: 3929.16**

**Amend sections:**

**Repeal sections:**

**NOTICE OF APPROVAL OF REGULATORY  
ACTION**

**Government Code Section 11353**

**OAL Matter Number: 2018-0517-02**

**OAL Matter Type: Regular (S)**

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On July 14, 2017, the Central Coast Regional Water Quality Control Board adopted Resolution No. R3-2016-0003, which establishes a Total Maximum Daily Load (TMDL), numeric targets, and implementation plan for sediment toxicity and pyrethroid pesticides in the Lower Salinas River Watershed. The State Water Resources Control Board approved the amendment of the Basin Plan in Resolution No. 2018-0013 on March 6, 2018.

OAL approves this regulatory action pursuant to section 11353 of the Government Code.

**Date: June 28, 2018**



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**Mark Storm  
Senior Attorney**

**For: Debra M. Cornez  
Director**

**Original: Eileen Sobeck, Executive  
Director**

**Copy: Peter Meertens**

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2018-0517-025</b>	EMERGENCY NUMBER
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**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California

**JUN 28 2018**  
1:45 pm

2018 MAY 17 P 3:33  
OFFICE OF  
ADMINISTRATIVE LAW

For use by Office of Administrative Law (OAL) only

NOTICE		REGULATIONS	
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AGENCY WITH RULEMAKING AUTHORITY State Water Resource Control Board	AGENCY FILE NUMBER (if any) 2018-0013
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**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)		FIRST SECTION AFFECTED		2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER		FAX NUMBER (Optional)	
<b>OAL USE ONLY</b>		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER		PUBLICATION DATE	

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) TMDLs for sediment toxicity and pyrethroids in lower Salinas watershd	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)	
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	ADOPT 3929.16 AMEND REPEAL
TITLE(S) 23	

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) <u>Gov't code 11353</u>	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <u>Upon Approval (Gov't Code 11353)</u>

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Peter Meertens	TELEPHONE NUMBER (805) 549-3869	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) peter.meertens@waterboards.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 5/7/2018
TYPED NAME AND TITLE OF SIGNATORY John M. Robertson, Executive Officer, Central Coast Water Board	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**  
**JUN 28 2018**  
Office of Administrative Law

## CONCISE SUMMARY OF REGULATORY PROVISIONS

### TITLE 23. Waters

#### Division 4. Regional Water Quality Control Boards

#### Chapter 1. Water Quality Control Plans, Policies, and Guidelines

#### Article 3. Central Coast Region

The following section 3929.16 is to be added to Title 23, Division 4., Chapter 1., Article 3. of the California Code of Regulations:

§ 3929.16 – Total Maximum Daily Loads for Sediment Toxicity and Pyrethroid Pesticides in Sediment in the Lower Salinas River Watershed

The Central Coast Regional Water Quality Control Board (Central Coast Water Board) adopted Resolution No. R3-2016-0003 on July 14, 2017, amending the *Water Quality Control Plan for the Central Coast Region (Basin Plan)*. The State Water Resources Control Board approved the amendment under Resolution No. 2018-0013 on March 6, 2018. TMDLs are a requirement of the federal Clean Water Act. Waterbodies assigned TMDLs by this action include the Alisal Creek, Alisal Slough, Blanco Drain, Chualar Creek, Espinosa Slough, Gabilan Creek, Merritt Ditch, Natividad Creek, Old Salinas River, Quail Creek, Reclamation Canal, Salinas River (Lower), Tembladero Slough, and other tributary surface waterbodies as identified in the Basin Plan amendment.

The Central Coast Water Board's goal for establishing TMDLs in the Lower Salinas River watershed is to rectify water quality impairments related to toxicity and pesticides. The impairments are based on surface waters not meeting the Basin Plan narrative water quality objectives for toxicity and pesticides. Resolution No. R3-2016-0003 establishes total maximum daily loads (TMDLs), numeric targets, and an implementation plan for sediment toxicity and pyrethroid pesticides in sediment in the lower Salinas River watershed.

Responsibility for achieving pollutant load reductions falls upon several entities as described in Attachment A to Resolution No. R3-2016-0003 (Basin Plan amendment). The Central Coast Water Board is relying on existing regulatory measures (i.e., the Agricultural Order and stormwater permits) to ensure implementation actions are carried out by implementing parties, as well as utilizing a Management Agency Agreement and pesticide management plan between the California Department of Pesticide Regulation, the State Water Resources Control Board, and the Central Coast Water Board to address impairments.

Milestones are established for achieving the TMDLs and the Central Coast Water Board will track progress towards achieving the TMDLs through review of implementation actions and monitoring conducted by the implementing parties. If existing efforts are not expected to achieve the TMDLs as scheduled, the Executive Officer or the Water Board may require changes to existing monitoring, reporting, or implementation efforts pursuant to California Water Code Sections 13263, 13267 or 13383.